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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 SUSAN BITTER SMITH
Chairman

DOCKET CONTROL

2015 OCT 28 PM 1 12

3 BOB STUMP
4 Commissioner

5 BOB BURNS
Commissioner

Arizona Corporation Commission

DOCKETED

6 TOM FORESE
7 Commissioner

OCT 28 2015

8 DOUG LITTLE
9 Commissioner

DOCKETED BY

41

10 IN THE MATTER OF THE APPLICATION
11 OF EPCOR WATER ARIZONA INC. FOR
12 A CERTIFICATE OF CONVENIENCE
13 AND NECESSITY TO PROVIDE
14 WASTEWATER UTILITY SERVICE IN
15 MARICOPA COUNTY, ARIZONA

DOCKET NO. WS-01303A-15-0018

16 **REQUEST FOR A PROCEDURAL**
17 **ORDER CORRECTING THE**
18 **RECOMMENDED OPINION AND**
19 **ORDER AND ANTICIPATED**
20 **DECISION, *NUNC PRO TUNC***

21 On September 30, 2015, the Commission's Hearing Division issued a
22 Recommended Opinion and Order ("ROO") in the present docket. That ROO
23 recommended that the Commission grant EPCOR Water Arizona Inc.'s ("the Company")
24 Application for a new Certificate of Convenience and Necessity ("CC&N") in the west
25 valley and established the rates to be charged by that new division. Page 50 of the ROO
26 sets out the rates to be charged by the Company in the Luke 303 Wastewater District.¹ At
the Open Meeting held on October 20, 2015, the Commission adopted the ROO. No
Decision has yet been issued, however.

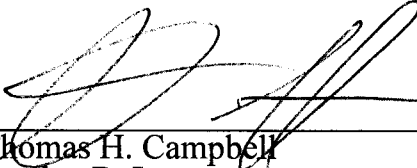
¹ In prior filings, the Company has referred to the requested CC&N area as the "Loop 303 Wastewater Service Area." The Company has determined that its new division will be known as the "Luke 303 Wastewater District" to avoid future confusion as development proceeds along the Loop 303. The Company will refer to the new division in that way in this and future filings.

1 Following the Commission's action, the Company began to set up the rates for the
2 Luke 303 Wastewater District in its system. At that time, the Company discovered that the
3 commodity rate for Commercial/Industrial 1.5" meter customers was mistakenly omitted
4 from the ROO. The ROO reflects a monthly service charge for such customers, but no
5 commodity charge or volumetric cap. The Company's proposed tariff, which was docketed
6 as amended Exhibit 7 to the Application on May 8, 2015, contained a volumetric charge of
7 \$4.19 per 1000 gallons for each Commercial/Industrial meter size, including the 1.5" meter
8 size. The tariff further noted that there was no volumetric cap on the commodity rates for
9 Commercial/Industrial meter sizes of 1.5" or larger. Staff's subsequent July 13, 2015
10 Revised Staff Report (Schedule TBH-4) erroneously omitted the commodity rate for
11 Commercial/Industrial 1.5" meters. The ROO recommends, and the Commission adopted,
12 the \$4.19 commodity rate for all other Commercial/Industrial meter sizes. Commission
13 Staff ("Staff") has informed undersigned counsel that Staff concurs that the omission was
14 not intentional. The omission should, therefore, be considered typographical in nature.

15 The Company respectfully requests that a procedural order be issued to correct page
16 50 of the ROO (and the anticipated Decision) *Nunc Pro Tunc* to reflect a commodity rate of
17 \$4.19 per 1000 gallons and a "No Cap" commodity charge cap for Commercial/Industrial
18 1.5" meter customers of the Luke 303 Wastewater District.

19
20 RESPECTFULLY SUBMITTED this 28th day of October, 2015.

21 LEWIS AND ROCA LLP

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24 

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Attorneys for the EPCOR Water Arizona, Inc.

1 ORIGINAL and thirteen (13) copies
2 of the foregoing filed this 28th day
3 of October, 2015, with:

4 The Arizona Corporation Commission
5 Utilities Division – Docket Control
6 1200 W. Washington Street
7 Phoenix, Arizona 85007

8 Copy of the foregoing hand-delivered
9 this 28th day of October, 2015, to:

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11 Administrative Law Judge, Hearing Division
12 Hearing Division
13 Arizona Corporation Commission
14 1200 W. Washington Street
15 Phoenix, Arizona 85007

16 Thomas M. Broderick, Director
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